

STATE OF TENNESSEE,  
  
*Plaintiff,*  
  
v.  
  
  
  
XAVIER BECERRA, in his official capacity  
as Secretary of Health and Human Services,  
*et al.,*  
  
*Defendants.*

Upon consideration of Plaintiff's Motion for Preliminary Injunction and 5 U.S.C. § 705 Stay, the memoranda in support thereof and in opposition thereto, any arguments of counsel, and the entire record in this case, it is hereby:

**ORDERED** that HHS’s March 20, 2023, decision (“Rescindment Decision”) to rescind Tennessee’s Title X funding **BE**, and hereby **IS, DECLARED** to be likely unlawful under the Spending Clause, APA, or both; it is further

**ORDERED** that the Defendants, and any other agency or employee of the United States,

**BE**, and hereby **ARE, ENJOINED** from enforcing, relying on, implementing, or otherwise acting pursuant to the Rescindment Decision; it is further

**ORDERED** that the Defendants **BE**, and hereby **ARE, ENJOINED** from withholding Title X funds, to which Tennessee would be entitled under the March 2022 award of Tennessee's 5-year Title X grant, on the basis that Tennessee's Title X program does not engage in counseling and referrals for abortions (including out-of-state abortions) that are otherwise illegal under Tennessee law; it is further

**ORDERED** that the Defendants **BE**, and hereby **ARE, ENJOINED** from disbursing any Title X funding to which Tennessee would be entitled absent the Rescindment Decision to any entity other than Tennessee's Health Department; and it is further

**ORDERED** that the security requirement of Federal Rule of Civil Procedure 65(c) **BE**, and hereby **IS, WAIVED**.

**SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable Travis R. McDonough  
United States District Court Judge